

U.S. Patent Application Serial No. 10/826,501
Response filed November 4, 2008
Reply to OA dated August 4, 2008

REMARKS

Claims 1-16 are currently pending in this application. Claims 1, 2, 6, 10, and 12-16 have been amended herein. The Examiner has indicated that claim 2 sets forth allowable subject matter.

The features set forth in the amended claims 1, 2, 6, 10, and 12-16 include at least the following features:

during a focusing action of said focusing mechanism due to said switch;
a focusing value is measured with an origin at a lens position where a focus position becomes an infinity;
if the measured focusing value is not smaller than a maximum focusing value; and
with making the measured focusing value into the maximum focusing value, a controller decides whether the optical system is in a final lens position or not.

The features set forth in the subject application include the feature that the focusing value is measured during the focusing action and if the maximum focusing value > the measured focusing value is not given, the maximum focusing value is calibrated.

The Examiner has rejected claims 13 and 14 under the first paragraph of 35 U.S.C. §112 as failing to comply with the written description requirement.

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Applicants respectfully traverse this rejection, for the following reasons.

The Examiner has suggested that "claims [13 and 14] contain subject matter which was not described in the specification," and also that "the specification is silent with regard to any sort of recording medium storing a program."

In the specification, within the text from page 21, line 26 to page 22, line 13, it is described that "the AF processing part 68 has internally a processor, a storage part storing a photographing control program and so on, a lens position counter as a storage part memorizing a current position of the lens 26 and a lens position according to focal length, and so on" (emphasis added).

From such description, since "a storage part" is "a recording medium," and "stores a photographing control program and so on," the specification clearly discloses about "a recording medium storing a program." It cannot be said that "the specification is silent with regard to any sort of recording medium storing a program."

Therefore, the subject matter of Claims 13 and 14 concerning the recording medium is based on such description as described above in the Specification. Thus Claims 13 and 14 comply with the written description requirement.

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Accordingly, in view of the above, Applicants respectfully submit that this rejection under the first paragraph of 35 U.S.C. §112 should be withdrawn.

The Examiner has rejected claims 1, 3, 4, 6-8, 10 and 12-16 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,549,729 (Robins '729).

Applicants respectfully traverse this rejection, for the following reasons.

Claim 1

Robins '729 fails to expressly or inherently describe the following features of claim 1, as amended: "wherein, during the focusing action, a focusing value is measured with an origin at a lens position where a focus position becomes an infinity, and if the measured focusing value is not smaller than a maximum focusing value, the decision is performed with making the measured focusing value into the maximum focusing value," in combination with the other claimed features.

Robins '729 merely discloses in column 4, lines 56-60, that "Of course, if the camera has completed all of its pre-photograph activities prior to the activation of switch S2 (116), then the photograph may be taken immediately upon activation of S2 (116)."

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Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 1 should be withdrawn.

Claims 3 and 4

Applicants respectfully submit that, because claims 3 and 4 are dependent on claim 1, this rejection of claims 3 and 4 should be withdrawn by virtue of their dependency.

Claim 6

Robins '729 fails to expressly or inherently describe the following features set forth in claim 6, as amended: "wherein, during the focusing action, a focusing value is measured with an origin at a lens position where a focus position becomes an infinity, and if the measured focusing value is not smaller than a maximum focusing value, the decision is performed with making the measured focusing value into the maximum focusing value," in combination with the other claimed features.

Robins '729 merely discloses in column 4, lines 56-60, that "Of course, if the camera has completed all of its pre-photograph activities prior to the activation of switch S2 (116), then the photograph may be taken immediately upon activation of S2 (116)."

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Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 6 should be withdrawn.

Claims 7 and 8

Applicants respectfully submit that, because claims 7 and 8 are dependent on Claim 6, this rejection of claims 7 and 8 should be withdrawn by virtue of their dependency.

Claim 10

Robins '729 fails to expressly or inherently describe the following features set forth in claim 10, as amended: "a process that measures a focusing value with an origin at a lens position where a focus position becomes an infinity, during the focusing action" and "a process that makes the measured focusing value into a maximum focusing value if the measured focusing value is not smaller than a maximum focusing value," in combination with the other claimed features.

Robins '729 merely discloses in column 4, lines 56-60 that "Of course, if the camera has completed all of its pre-photograph activities prior to the activation of switch S2 (116), then the photograph may be taken immediately upon activation of S2 (116)."

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Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 10 should be withdrawn.

Claim 12

Robins '729 fails to expressly or inherently describe the following features set forth in claim 12, as amended: "a process that measures a focusing value with an origin at a lens position where a focus position becomes an infinity, during the focusing action " and "a process that makes the measured focusing value into a maximum focusing value if the measured focusing value is not smaller than a maximum focusing value," in combination with the other claimed features.

Robins '729 merely discloses in column 4, lines 56-60, that "Of course, if the camera has completed all of its pre-photograph activities prior to the activation of switch S2 (116), then the photograph may be taken immediately upon activation of S2 (116)."

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 12 should be withdrawn.

Claim 13

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Robins '729 fails to expressly or inherently describe the following features set forth in claim 13, as amended: "a step that measures a focusing value with an origin at a lens position where a focus position becomes an infinity, during the focusing action" and "a step that makes the measured focusing value into a maximum focusing value if the measured focusing value is not smaller than a maximum focusing value," in combination with the other claimed features.

Robins '729 merely discloses in column 4, lines 56-60, that "Of course, if the camera has completed all of its pre-photograph activities prior to the activation of switch S2 (116), then the photograph may be taken immediately upon activation of S2 (116)."

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 13 should be withdrawn.

Claim 14

Robins '729 fails to expressly or inherently describe the following features set forth in claim 14, as amended: "a step that measures a focusing value with an origin at a lens position where a focus position becomes an infinity, during the focusing action" and "a step that makes the measured focusing value into a maximum focusing value if the measured focusing value is not smaller than a maximum focusing value," in combination with the other claimed features.

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Robins '729 merely discloses in column 4, lines 56-60, that "Of course, if the camera has completed all of its pre-photograph activities prior to the activation of switch S2 (116), then the photograph may be taken immediately upon activation of S2 (116)."

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 14 should be withdrawn.

Claim 15

Robins '729 fails to expressly or inherently describe the following features set forth in claim 15, as amended: "a detection part that detects a shutter operation in the middle of a focusing action of said focusing mechanism and a focusing value measured with an origin at a lens position where a focus position becomes an infinity, during the focusing action" and the structure that "wherein said control part makes the measured focusing value into a maximum focusing value to perform the decision if the measured focusing value is not smaller than a maximum focusing value," in combination with the other claimed features.

Robins '729 merely discloses in column 4, lines 56-60, that "Of course, if the camera has completed all of its pre-photograph activities prior to the activation of switch S2 (116), then the photograph may be taken immediately upon activation of S2 (116)."

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Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 15 should be withdrawn.

Claim 16

Robins '729 fails to expressly or inherently describe the following features set forth in claim 16, as amended: "a detection part that detects a shutter operation under a focusing action of said focusing mechanism and a focusing value measured with an origin at a lens position where a focus position becomes an infinity, during the focusing action" and the structure that "wherein said control part makes the measured focusing value into the maximum focusing value to perform the decision if the measured focusing value is not smaller than a maximum focusing value," in combination with the other claimed features.

Robins '729 merely discloses in column 4, lines 56-60, that "Of course, if the camera has completed all of its pre-photograph activities prior to the activation of switch S2 (116), then the photograph may be taken immediately upon activation of S2 (116)."

Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 16 should be withdrawn.

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The Examiner has rejected claims 5 and 9 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,549,729 (Robins '729) in view of U.S. Patent No. 7,119,843 (Terasaki '843).

Applicants respectfully traverse this rejection, for the following reasons.

Claim 5

Robins '729 and Terasaki '843, alone or in combination, fail to describe, teach, or suggest the following features set forth in claim 1, as amended: "wherein, during the focusing action, a focusing value is measured with an origin at a lens position where a focus position becomes an infinity, and if the measured focusing value is not smaller than a maximum focusing value, the decision is performed with making the measured focusing value into the maximum focusing value," in combination with the other claimed features.

Terasaki '843 discloses in column 4, lines 19-20, that in the phone body 1 and the arm 6 with a hinge 5 so as to be foldable, the image information driving part 3 is mounted on the phone body 1, and the optical system 4c is mounted on the arm 6.

Terasaki '843 fails to remedy the above-discussed deficiencies of Robins '729 regarding claim 1.

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Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 5 should be withdrawn by virtue of its dependency.

Claim 9

Robins '729 and **Terasaki '843**, alone or in combination, fail to describe, teach, or suggest the following features of claim 6, as amended: wherein, during the focusing action, a focusing value is measured with an origin at a lens position where a focus position becomes an infinity, and if the measured focusing value is not smaller than a maximum focusing value, the decision is performed with making the measured focusing value into the maximum focusing value," in combination with the other claimed features.

Terasaki '843 discloses in column 4, lines 19-20, that in the phone body 1 and the arm 6 with a hinge 5 so as to be foldable, the image information driving part 3 is mounted on the phone body 1, and the optical system 4c is mounted on the arm 6.

Terasaki '843 fails to remedy the deficiencies of **Robins '729** discussed above, regarding claim 6.

Accordingly, in view of the above, Applicants respectfully submit that this rejection of

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claim 9 should be withdrawn by virtue of its dependency.

The Examiner has rejected claim 11 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,549,729 (Robins '729) in view of U.S. Patent No. 5,001,507 (Iida '507).

Applicants respectfully traverse this rejection, for this following reasons.

Robins '729 and **Iida '507**, alone or in combination, fail to describe, teach, or suggest the following features set forth in claim 10, as amended: "a process that measures a focusing value with an origin at a lens position where a focus position becomes an infinity, during the focusing action" and "a process that makes the measured focusing value into a maximum focusing value if the measured focusing value is not smaller than a maximum focusing value," in combination with the other claimed features.

Iida '507 discloses in column 13, lines 47-16, that according to the focus detection being on the large zone or small zone, the display pattern corresponding to each zone is displayed in the viewfinder.

Iida '507 fails to remedy the above-discussed deficiencies of **Robins '729** regarding claim 10.

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Accordingly, in view of the above, Applicants respectfully submit that this rejection of claim 11 should be withdrawn by virtue of its dependency.

Claim 2

Claim 2 including the allowable subject matter is rewritten in independent form including all of the limitations of the base claim 1. The allowance of Claim 2 is respectfully requested.

The amendment herein to the Specification is intended to correct a typographical error, and is based on the disclosure of Fig. 17.

The amendments to the claims 1, 6, 10, and 12-16 are based on the specification. See for example, at least: page 34, line 5 to page 35, line 8; page 37, line 32 to page 38, line 34; page 41, line 36 to page 42, line 27; Figures 14, 17, and 19.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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